

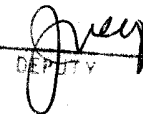
UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

FILED

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CLERK US DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

IN RE: SAVE OUR SPRINGS (S.O.S.) §  
ALLIANCE, INC., §  
Debtor. §

BY  DEPUTY

SAVE OUR SPRINGS (S.O.S.) §  
ALLIANCE, INC. §  
Appellant/Cross-Appellee, §  
V. §  
SWEETWATER AUSTIN PROPERTIES §  
LLC, §  
Appellee/Cross-Appellant. §

CAUSE NO. A-08-CA-727-LY  
(Consolidated with A-08-CA-753-LY)

**ORDER GRANTING UNOPPOSED MOTION FOR RELIEF FROM  
FINAL JUDGMENT**

Before the Court is the Unopposed Motion for Relief from Final Judgment filed by Sweetwater Austin Properties, LLC, the Appellee/Cross-Appellant on December 28, 2009 (Doc. #32). Appellee/Cross-Appellant move the Court to amend its Final Judgment of September 29, 2009 (Doc. #21) by stating whether it would be inclined to grant Appellee/Cross-Appellant's relief pursuant to Federal Rule of Civil Procedure 60(b).

The Court notes that on October 29, 2009, Appellant/Cross-Appellee filed a Notice of Appeal with the Fifth Circuit Court of Appeals in this cause (Doc. #24). On November 13, 2009, Appellee/Cross-Appellant filed its Notice of Appeal (Doc. #25). The appeals remain pending at this time, which divests this Court of jurisdiction over this cause.

Because Appellant/Cross-Appellee does not oppose the instant motion, the Court is inclined to find that Rule 60(b) relief would be appropriate, such that Appellee/Cross-Appellant's motion should be granted for this limited purpose. Accordingly,

**IT IS ORDERED** that the Unopposed Motion for Relief from Final Judgment filed by Sweetwater Austin Properties, LLC, the Appellee/Cross-Appellant on December 28, 2009 (Doc. #32) is **GRANTED** to the extent indicated in this order.

**IT IS FURTHER ORDERED** that the parties shall seek leave of the Fifth Circuit Court of Appeals to remand this cause for the limited purpose of this Court amending its Final Judgment as requested in Appellee/Cross-Appellant's motion.

SIGNED this 5th day of January, 2010.

  
LEE YEAKEL  
UNITED STATES DISTRICT JUDGE